

**CITY OF YUMA
CITY COUNCIL MINUTES**

**REGULAR MEETING
TUESDAY, FEBRUARY 6, 2018**

CALL TO ORDER – 7:30 P.M.

MEETING CALLED TO ORDER BY MAYOR HARPER AND THE PLEDGE OF ALLEGIANCE WAS RECITED.

MEMBERS PRESENT: Baucke, Goeglein, Haag, Harper, Hoch, Swehla. McCall late.

STAFF PRESENT: Scott Moore, Jonathon Lynch, Laura Saxton, Karma Wells, Kathryn Sellars.

CORRECTIONS OR ADDITIONS TO THE AGENDA

Clerk/Treasurer Wells stated Action Item I, Revocable Encroachment License Agreement for Tumbleweed Brewing and Wine Company LLC, can be taken off the agenda.

APPROVAL OF AGENDA

Haag moved to approve the February 6, 2018, agenda as amended. Second by Swehla. Question. 6 ayes. Motion carried.

APPROVAL OF MINUTES

Swehla moved to approve the January 16, 2018, minutes as presented. Second by Hoch. Question. 6 ayes. Motion carried.

CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT

Mr. Gary Trute was present to address Council regarding the Fire Pension Fund and a potential increase in the pension paid to the retirees.

ACTION ITEMS

- A. RESOLUTION #2, SERIES OF 2018 (INCENTAHEALTH SERVICES AGREEMENT FOR WEIGH AND WIN ELITE STATIONARY KIOSK) – SCOTT MOORE.** Manager Moore stated more information was received on the kiosk. The cost of the kiosk is \$4,950. It would be covered under CIRSA, but our deductible is \$2,500. Donations have been received for the kiosk in the amount of \$1,700. The City's contribution is \$1,300. McCall moved to approve Resolution #2, Series of 2018. Second by Swehla. Question. 7 ayes. Motion carried.
- B. PUBLIC HEARING ON SECOND READING, ORDINANCE #4, SERIES OF 2018 (AMENDING SECTION 13.08.020 OF THE YUMA MUNICIPAL CODE ESTABLISHING RATES ON WATER USAGE AND REPEALING SECTION 13.08.030 REGARDING DELINQUENT BILLS) – SCOTT MOORE.** Manager Moore introduced the ordinance. Public hearing was opened. No comments were made. Public hearing was closed. Swehla moved to approve on second reading Ordinance #4, Series of 2018. Second by Goeglein. Question. 7 ayes. Motion carried.
- C. PUBLIC HEARING ON SECOND READING, ORDINANCE #5, SERIES OF 2018 (AMENDING SECTION 13.04.060 OF THE YUMA MUNICIPAL CODE ESTABLISHING RATES ON SEWER USAGE AND REPEALING SECTION 13.04.070 REGARDING COLLECTION OF CHARGES) – SCOTT MOORE.** Manager Moore introduced the ordinance. Public hearing was opened. Council Member Baucke asked what

the plans are with the increase. Manager Moore explained we will start replacing sewer lines in 2019. It is planned to try to replace 2 blocks per year. Discussion was held. Public hearing was closed. Swehla moved to approve on second reading Ordinance #5, Series of 2018. Second by McCall. Question. 7 ayes. Motion carried.

- D. FIRST READING, ORDINANCE #6, SERIES OF 2018 (REPEALING ORDINANCE NO. 9, SERIES OF 2012 AND AMENDING THE YUMA MUNICIPAL CODE TO ADD A NEW CHAPTER 13.15 CONCERNING RATES FOR TRASH SERVICE) – SCOTT MOORE.** Manager Moore introduced and explained Ordinance #6. Baucke moved to approve on first reading Ordinance #6, Series of 2018. Second by Swehla. Question. 7 ayes. Motion carried.
- E. FIRST READING, ORDINANCE #7, SERIES OF 2018 (UTILITY BILLING PROCEDURES) – SCOTT MOORE.** Manager Moore introduced Ordinance #7. Attorney Sellars stated this is to help with billing issues in the front office. Swehla moved to approve on first reading, Ordinance #7, Series of 2018. Second by Goeglein. Question. 7 ayes. Motion carried.
- F. PUBLIC HEARING ON SECOND READING, ORDINANCE #1, SERIES OF 2018 (AMENDING TITLE 16 OF THE YUMA MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 16.01 REGARDING HISTORIC PRESERVATION) – SCOTT MOORE.** Manager Moore introduced the ordinance. Public hearing was opened. No comments were made. Public hearing was closed. Hoch moved to approve on second reading, Ordinance #1, Series of 2018. Second by McCall. Question. 7 ayes. Motion carried.
- G. BID OPENING FOR FARMLAND LEASE – SCOTT MOORE.** Only one bid was received. The bid is from Stewart and Tammi Powell for \$4,943.50 per year. Swehla moved to approve the bid from Stewart and Tammi Powell. Second by McCall. Question. 7 ayes. Motion carried.
- H. BID OPENING FOR STREET SWEEPER – SCOTT MOORE.** Staff looked at three street sweepers. Only one bid was received. The bid meets all the specs and is bid at \$230,000. Discussion was held. Baucke moved to approve the street sweeper purchase. Second by Swehla. Question. 7 ayes. Motion carried.
- I. RESOLUTION #4, SERIES OF 2018 (REGARDING A SALES TAX ON RETAIL MARIJUANA TO THE REGISTERED ELECTORS OF THE CITY OF YUMA) – SCOTT MOORE.** Manager Moore stated this resolution brings up the sales tax on marijuana if it ever comes to the City and that this a way to raise revenues for the City and fund City services. Attorney Sellars stated this is only a sales tax question on marijuana, but retail marijuana is still prohibited within the City and this question does not change that. Attorney Sellars further explained that the sales tax would only apply to the transaction when retail marijuana is sold; meaning, if someone does not purchase retail marijuana they would not pay this tax. The Council would need to decide whether to allow retail marijuana at a later time. Further, Attorney Sellars explained that the Fair Campaign Practices Act prevents the City from spending money to urge voters to vote a certain way on a ballot question. However, Council members may spend their own time discussing the ballot question with the public. Under the Fair Campaign Practices Act, staff may only answer unsolicited questions. Staff may not spend time putting anything on the website regarding the ballot question. Council discussed whether to allocate the funds to a specific purpose in the ballot question. To provide more flexibility, Council decided not to include a specific allocation and address any allocation of revenues in the budget process. Goeglein moved to approve Resolution #4, Series of 2018. Second by Swehla. Question. 7 ayes. Motion carried.
- J. APPROVAL OF BILLS – KARMA WELLS.** Clerk/Treasurer Wells provided Council with additional lists of bills. Hoch moved to approve the bills. Second by McCall. Question. 7 ayes. Motion carried.
- K. PURCHASES IN EXCESS OF \$5,000 – SCOTT MOORE.** Manager Moore stated a controller at the Wastewater Plant has failed. Wastewater Supervisor Claude Strait would like to upgrade the controller since it needs to be replaced. A quote was received from Timberline Electric for \$6,895.

Staff requested a vote for not to exceed \$7,000. McCall moved to approve the controller purchase not to exceed \$7,000. Second by Goeglein. Question. 7 ayes. Motion carried.

Manager Moore also requested approval of a quote to replace a tornado aerator at the Wastewater Treatment Plant. One aerator failed last year, there are two more aerators. Parts will be used to replace the third unit. Staff requests a not to exceed amount of \$14,000 to replace the aerator. Haag moved to approve the aerator replacement, not to exceed \$14,000. Second by Swehla. Question. 7 ayes. Motion carried.

ADDITIONAL BUSINESS

None.

REPORTS

CITY MANAGER, SCOTT MOORE

Manager Moore received a letter from Mr. Paul Brophy, requesting a donation to have a Senior Citizen Prom at the Community Center. The donation would be \$40-50. Council's consensus was to allow the donation.

Snow removal routes were reviewed with Council.

CITY CLERK/TREASURER, KARMA WELLS

Clerk/Treasurer Wells provided Council with the December Finance Report.

CHIEF OF POLICE, JONATHON LYNCH

Chief Lynch stated they have been doing code on junk cars and trailers. They have almost completed the entire town.

CITY COUNCIL REPORTS

Goeglein

- Council Member Goeglein asked Chief Lynch about some vicious dog issues. Chief Lynch stated they are documenting dog calls differently so everyone knows when a dog has had a violation.

McCall

- Council Member McCall stated there is a CML Policy Committee Meeting next Friday.

Hoch

- Council Member Hoch stated everyone is doing good work.

9. EXECUTIVE SESSION

“To hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402 (4)(b), concerning the Main Street Project.”

Attorney Sellars stated Council intends to meet in executive session to hold a conference with the City’s attorney to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402 (4)(b), concerning the Main Street Project. Haag moved to go into executive session. Second by McCall. Question. 7 ayes. Motion carried.

Council resumed regular session at 8:38 P.M. Attorney Sellars made a statement for who was present in executive session and there were no objections to the discussions in executive session.

10. ACTION ITEMS (CONTINUED)

M. EXTENSION OF CONTRACT WITH SEH – SCOTT MOORE. Manager Moore asked Council to extend the contract with SEH for the Main Street Project to finalize some of the items that have not been resolved at this point. We have a preliminary quote of \$3,000. Manager Moore is requesting a time limit of 3 months. Swehla moved to approve the contract extension with SEH. Second by Hoch. Question. 6 ayes. 1 nay (Haag). Motion carried.

ADJOURNMENT

McCall moved to adjourn. Second by Baucke. Question. 7 ayes. Motion carried.

Robert J. Harper
Mayor

Karma Wells, CMC
City Clerk/Treasurer